

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Nathaniel Alexander, :
: :
Petitioner(s), : Case Number: 1:10cv41
: :
vs. : Chief Judge Susan J. Dlott
: :
Warden, Ross Correctional Institution, :
: :
: :
Respondent(s). : :
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on March 22, 2011 a Report and Recommendation (Doc. 7). Subsequently, the petitioner filed objections to such Report and Recommendation.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DENIED** with prejudice.

A certificate of appealability will issue with respect to petitioner's sole claim for relief, alleging a violation of his federal constitutional right to a speedy trial. Petitioner has stated a "viable claim of the denial of a constitutional right," and the issues presented herein are "adequate to deserve encouragement to proceed further." *See Slack*, 529 U.S. at 475 (citing

Barefoot v. Estelle, 463 U.S. 880, 893 & n.4 (1983)); *see also* 28 U.S.C. 2253(c); Fed. R. App. P. 22(b).

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court will certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting this Report and Recommendation will be taken in “good faith,” and therefore, will **GRANT** petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court